

REMARKS

Status of the claims

Claims 1-58 are pending and claims 1-3, 7-9, 32, 33, and 53-58 are under consideration in this application, claims 4-6, 10-31, and 34-52 having been withdrawn as allegedly being drawn to separate inventions. Claims 3 and 58 are allowable but are objected to. Claims 1, 2, 7-9, 32, 33, and 53-57 stand rejected.

From the comments in the Advisory Action, Applicant understands the Examiner's position to be that Applicant was not in possession of embodiments of the invention as specified by claims 1, 2, 7-9, 32, 33, and 53-57 prior to the priority dates of Baker et al., Mitcham et al., and Fox et al. For the reasons given in the Response filed on March 26, 2004, Applicant strongly disagrees with this position and notes that the Examiner has not addressed Applicant's arguments presented in that Response. However, in order to expedite prosecution of the instant application, Applicant has cancelled claims 1-2 and 4-57 without prejudice to Applicant's presenting any of these claims in a separate application.

Applicant assumes that claims 3 and 58 are objected to because they are dependent on rejected claims. Claims 3 and 58 have been amended to be in independent form and to incorporate all the limitations of rejected parent claim 1. These amendments do not add new matter.

After entry of the amendments made herein, claims 3 and 58 will be pending and under consideration in this application.

Applicant : Lieping Chen
Serial No. : 09/915,789
Filed : July 26, 2001
Page : 4 of 4

Attorney's Docket No.: 07039-219001

CONCLUSIONS

Applicant requests that the Examiner permit the pending claims to pass to allowance. If the Examiner would like to discuss any of the issues raised in the Office Action, Applicant's undersigned representative can be reached at the telephone number listed below.

Enclosed is a Request for an Automatic Extension of Time and check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 07039-219001.

Respectfully submitted,

Date: 10/29/04



Stuart Macphail, Ph.D., J.D.
Reg. No. 44,217

Fish & Richardson P.C.
Citigroup Center
52nd Floor
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 765-5070
Facsimile: (212) 258-2291